

REFERENCE TITLE: earth fissure maps

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2639

Introduced by
Representatives Nelson, Nichols

AN ACT

AMENDING SECTIONS 27-152.01 AND 37-173, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2117; RELATING TO EARTH FISSURE MAPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 27-152.01, Arizona Revised Statutes, is amended to
3 read:

4 27-152.01. Duties of Arizona geological survey

5 The Arizona geological survey shall:

6 1. Map and describe the bedrock and related geologic materials and
7 processes in Arizona, as follows:

8 (a) Prepare geologic maps that show the distribution of rock
9 formations and surficial materials at the surface and in the subsurface.

10 (b) Describe the character of rock and surficial materials, including
11 their age, origin and physical and chemical properties.

12 (c) Map, describe and monitor known and potential geologic hazards and
13 limitations to land and resource management.

14 (d) Map and characterize energy and mineral resources and identify
15 areas that may have potential for future discoveries.

16 2. Provide objective, scientific information about the geologic
17 character of this state as follows:

18 (a) Provide timely, courteous ~~response~~ RESPONSES to requests for
19 information, advice and assistance from the public.

20 (b) Maintain a computerized bibliographic database of maps and reports
21 on the geology of this state that is accessible to the public.

22 (c) Maintain an internet web site that includes information about the
23 Arizona geological survey, products and services available and the geologic
24 character of this state.

25 (d) Give lectures and talks, conduct workshops, lead field trips and
26 provide information and assistance to public, educational and professional
27 groups.

28 (e) Publish reports and other information, written in nontechnical
29 terms, to inform those not trained in geology about the geologic character of
30 Arizona.

31 3. BEGINNING ON OR BEFORE JANUARY 1, 2007 AND EVERY FIVE YEARS
32 THEREAFTER, SUBMIT TO THE STATE LAND DEPARTMENT COPIES OF ALL DATA FILES OF
33 KNOWN AREAS OF EARTH FISSURES FOR THE PURPOSES OF SECTION 37-173,
34 PARAGRAPH 11.

35 3. 4. Operate and maintain a central repository and a computerized
36 database for reports, books, maps and other publications regarding the
37 geology, mineral resources and associated technologies. Such repository and
38 database shall be available for the use of the public and may be located at
39 or connected with the university of Arizona or another state university or
40 agency of this state.

41 4. 5. Operate and maintain a central repository for rock cores, well
42 cuttings and related subsurface samples and all associated supplemental data
43 consistent with the laws of this state requiring the deposit of such material
44 and information. Such repository shall be available for the use of the
45 public.

1 5. 6. Receive and expend any monies arising from grants, contracts,
2 contributions, gratuities or reimbursements payable or distributable to this
3 state from the United States, or from state, county, municipal or other
4 governmental sources. The Arizona geological survey shall also receive and
5 expend any monies arising from grants, contracts, contributions, gratuities
6 or reimbursements donated by private persons or corporations. Monies
7 received pursuant to this paragraph shall be deposited in the geological
8 survey fund and handled pursuant to section 27-152.02.

9 6. 7. Contract and be contracted with.

10 7. 8. Utilize the services and expertise of the universities of the
11 state at the discretion of the state geologist.

12 8. 9. Cooperate with local, county, state and federal agencies.

13 9. 10. Provide administrative and staff support for the Arizona oil
14 and gas conservation commission.

15 Sec. 2. Title 32, chapter 20, article 1, Arizona Revised Statutes, is
16 amended by adding section 32-2117, to read:

17 32-2117. Earth fissure maps; posting; immunity

18 A. THE DEPARTMENT SHALL POST ON ITS WEB SITE THE EARTH FISSURE MAPS
19 PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-173, PARAGRAPH
20 11. THE FOLLOWING NOTICE SHALL BE DISPLAYED BELOW EACH MAP:

21 NOTICE

22 THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE
23 ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE
24 PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS
25 ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A
26 PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.

27 B. NOTWITHSTANDING ANY OTHER LAW, A SUBDIVIDER, OWNER OR AGENT IS NOT
28 LIABLE TO ANY PERSON OR GOVERNMENTAL ENTITY FOR ANY ACT OR FAILURE TO ACT IN
29 CONNECTION WITH:

30 1. THE DISCLOSURE OF REAL ESTATE SUBJECT TO EARTH FISSURES IF THE
31 SUBDIVIDER, OWNER OR AGENT INCLUDES NOTICE IN A PUBLIC REPORT, ISSUED
32 PURSUANT TO SECTION 32-2183 OR 32-2195.03 WITH RESPECT TO REAL ESTATE SUBJECT
33 TO EARTH FISSURES, OF THE MAP AND WEB SITE DESCRIBED IN SUBSECTION A OF THIS
34 SECTION.

35 2. THE DISCLOSURE OF REAL ESTATE SUBJECT TO EARTH FISSURES THAT
36 OCCURRED BEFORE THE DATE THE MAP DESCRIBED IN SUBSECTION A OF THIS SECTION IS
37 POSTED ON THE WEB SITE IF THE SUBDIVIDER, OWNER OR AGENT COULD NOT WITH
38 REASONABLE DILIGENCE HAVE DISCOVERED THAT THE LAND WAS SUBJECT TO EARTH
39 FISSURES BEFORE THE MAP WAS POSTED.

40 Sec. 3. Section 37-173, Arizona Revised Statutes, is amended to read:

41 37-173. Duties

42 The division shall:

43 1. Establish a clearinghouse of information and a central repository
44 for map and imagery products and digital cartographic data.

1 2. Provide a geographic information system for the state land
2 department and other public agencies in this state. The system shall be
3 capable of input, processing, display, compositing, analysis, synthesis and
4 manipulation of data from maps, aerial photos, orthophotos, remote sensing
5 devices and other spatial data sources. The division shall provide training
6 and consultation in the use of the system, related technical assistance and
7 limited production services to system users.

8 3. Provide current land resource information and monitor changes over
9 time by remote sensing techniques.

10 4. Prepare standards and specifications for developing and producing
11 cartographic and aerial photographic products and geographic information
12 systems.

13 5. Produce maps and inventories at standard scales for various areas
14 to include combinations of data elements.

15 6. Provide maps, aerial photographs and other remote sensing data to
16 help analyze the following natural resources:

17 (a) Producing mines, improvements to such mines and mills and smelters
18 operated in conjunction with such mines.

19 (b) Producing oil, gas and geothermal resources.

20 (c) Rights-of-way on state trust lands.

21 (d) Urban trust lands.

22 (e) Forestry management lands and standing timber.

23 (f) Rangeland resources.

24 (g) Cropland resources.

25 (h) Water ditches constructed for mining, manufacturing or irrigation
26 purposes on state trust lands.

27 (i) Other data relating to land and water resources in this state such
28 as subsidence locations, irrigation districts and groundwater active
29 management areas.

30 7. Function as the Arizona affiliate office for the national
31 cartographic information center, with support from the United States
32 geological survey and the Arizona state library, archives and public records,
33 to access archived maps and imagery data sources to assist the mapping,
34 inventorying and data handling segments of the division and outside users.

35 8. Establish a liaison relationship with the Arizona geological
36 survey, the United States geological survey, regional federal mapping
37 organizations and other state and local government organizations in order to
38 coordinate activities in this state relating to collecting, compiling,
39 producing and processing cartographic materials, satellite imagery and land
40 resource information.

41 9. Identify local digital cartographic data to include in the national
42 digital cartographic data base.

43 10. Coordinate the development of a public land survey system monument
44 data base.

1 11. WITHIN NINETY DAYS AFTER RECEIVING DATA FILES OF KNOWN AREAS OF
2 EARTH FISSURES FROM THE ARIZONA GEOLOGICAL SURVEY PURSUANT TO SECTION
3 27-152.01, PARAGRAPH 3, PRODUCE MAPS OF THOSE AREAS WITH OVERLAYS SHOWING
4 AFFECTED COUNTIES, CITIES, TOWNS, HIGHWAYS AND STREETS. THE DIVISION SHALL:

5 (a) TRANSMIT THE MAPS IN PRINTED AND ELECTRONIC FORMAT TO THE ARIZONA
6 GEOLOGICAL SURVEY AND THE STATE REAL ESTATE DEPARTMENT.

7 (b) PROVIDE ANY MAP TO ANY MEMBER OF THE PUBLIC IN PRINTED OR
8 ELECTRONIC FORMAT ON REQUEST. THE FOLLOWING NOTICE SHALL BE DISPLAYED BELOW
9 EACH MAP:

10 NOTICE

11 THE STATE OF ARIZONA HAS MADE A REASONABLE EFFORT TO ENSURE THE
12 ACCURACY OF THIS MAP WHEN IT WAS PRODUCED, BUT ERRORS MAY BE
13 PRESENT AND THE STATE OF ARIZONA DOES NOT GUARANTEE ITS
14 ACCURACY. THE MAP SUPPLEMENTS, AND IS NOT A SUBSTITUTE FOR, A
15 PROFESSIONAL INSPECTION OF PROPERTY FOR DEFECTS AND CONDITIONS.